

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

OSCAR L. JOHNNY, JR.,)
Plaintiff,)
vs.) No. 10-04008-CV-W-FJG
LARRY BORNOWSKI and)
STAMPEDE CARRIERS, LLC,)
et al.,)
Defendants.)

ORDER

Pending before the Court is: (1) Defendants Larry Bornowski and Stampede Carriers, L.L.C.'s (collectively Defendants) Motion to Amend Third Amended Scheduling Order To Permit Defendants to Name Additional Experts and/or Supplement their Expert Affidavits/Reports after the raw data generated by plaintiff's retained Expert Paul Deutsch is Produced (Doc. No. 49); (2) Defendants' Motion to Quash Deposition Notice and Motion for Protective Order (Doc. No. 52); (3) Plaintiff's Motion for Leave to file Opposition to Defendants' Motion to Name Additional Experts and/or Supplement their Expert Affidavits/Reports (Doc. No. 54).

A telephone conference was held at 9:30 a.m. on July 28, 2011, to discuss these pending motions. Defendants' Motion to Amend Third Amended Scheduling Order to Permit Defendants to name additional experts and/or supplement their expert affidavits/reports based on the raw data received from Paul Deutsch (Doc. No. 49) is **GRANTED**. The Court reminds the parties that the additional experts and/or affidavits are limited to an analysis or review of the raw data received from plaintiff's expert, Paul Deutsch. Likewise, the Court Grants Plaintiff's Motion for Leave to file Opposition to Name

Additional Experts and/or Supplement Their Expert Affidavit (Doc. No. 54) limited to an analysis and review of the raw data received from Plaintiff's expert, Paul Deutsch.

Defendants' Motion to Quash Deposition Notice and Motion for Protective Order (Doc. No. 52) is **GRANTED IN PART** and **DENIED IN PART**. Concluding that the deposition of Ms. Whited involves collateral matters, the Court will permit a deposition by written questions pursuant to Fed. R. Civ. P. 31.

The Court notes that under the third amended scheduling order, discovery is set to close August 8, 2011. The court requests that the parties submit a joint proposed plan setting forth the scheduling deadlines in this case. The trial setting of March 12, 2012, remains unchanged, and the Court believes that a delay in the trial setting is not needed at this time.

Therefore, for the foregoing reasons: (1) Defendants' Motion to amend/correct Third Amended Scheduling Order to Name Additional Experts and/or Supplement Their Expert Affidavits/Reports after the raw data Generated by Plaintiff's Expert Paul Deutsch (Doc. No. 49) is **GRANTED**; (2) Defendants' Motion to Quash Deposition Notice and Motion for Protective Order is **GRANTED in part** and **DENIED in part** (Doc. No. 52); and Plaintiff's Motion for Leave to File Opposition to Defendants' Motion to Name Additional Experts and/or Supplement Their Expert Affidavits/Reports (Doc. No. 54) is **GRANTED**.

IT IS FURTHER ORDERED that the parties submit by Wednesday, August 3, 2011, a joint proposed plan setting forth the scheduling deadlines in this case.

IT IS SO ORDERED.

/s/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: July 29, 2011
Kansas City, Missouri